

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

v.

**AUBREY LEE PRICE;
PFG, LLC; PFGBI, LLC;
MONTGOMERY ASSET
MANAGEMENT, LLC f/k/a PFG
ASSET MANAGEMENT, LLC, (Florida
Limited liability company); and
MONTGOMERY ASSET MANGEMENT,
LLC f/k/a PFG ASSET MANAGEMENT,
LLC,(Georgia limited liability company)**

Defendants.

Civil Action No.

1:12-CV-2296-TCB

RULE 5.4 CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.4(a) for the United States District Court for the Northern District of Georgia, and other applicable rules of the United States District Courts, Melanie E. Damian, Esq., as receiver (the "Receiver") over all assets of Defendant Aubrey Lee Price, PFG, LLC, PFGBI, LLC, Montgomery Asset Management, LLC, and Montgomery Asset Management, LLC f/k/a/ PFG Asset Management, LLC hereby certifies that on this day she caused to be served a copy of the Subpoenas attached hereto as "**Exhibit A**" upon the following parties:

W. Shawn Murnahan, Esq.
Securities and Exchange Commission
950 East Paces Ferry Road, N.E., Suite 900
Atlanta, GA 30326
murnahanw@sec.gov

Aubrey Lee Price
4616 Rainwood Circle
Valdosta, GA 31602

PFG, LLC
PFGBI, LLC
Montgomery Asset Management, LLC (Florida limited liability company)
Montgomery Asset Management, LLC (Georgia limited liability company)
c/o Kathryn Giardina
Robert E. L. Garner, Esq.
Haskell Slaughter Young & Rediker, LLC
2001 Park Place
Suite 1400
Birmingham, AL 35203
relg@hsy.com

PFG, LLC
Corporate Secretary
255 Racetrack Road, Suite 2
McDonough, GA 30252

PFGBI, LLC
Corporate Secretary
255 Racetrack Road, Suite 2
McDonough, GA 30252

Robert J. Waddell, Jr.
McGuire Woods LLP-GA
1230 Peachtree Street, N.E.
Suite 2100, Promenade II
Atlanta, GA 30309
404-443-5500

Fax: 404-443-5599

Email: rwaddell@mcguirewoods.com

Dated: October 15, 2012.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: /s/ Paul E. Vranicar

John M. Hamrick

Georgia Bar No. 322079

Paul E. Vranicar

Georgia Bar No. 288926

1201 West Peachtree Street, N.E.

One Atlantic Center, Suite 2000

Atlanta, Georgia 30309-3453

Phone: 404 817 8500

Fax: 404 881 0470

john.hamrick@hklaw.com

paul.vranicar@hklaw.com

DAMIAN & VALORI LLP

Kenneth Dante Murena

Florida Bar No. 147486

(admitted pro hac vice)

1000 Brickell Avenue

Suite 1020

Miami, FL 33131

Phone: 305 371 3960

EXHIBIT A

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

AUBREY LEE PRICE; PFG, LLC; PFGBI, LLC;
MONTGOMERY ASSET MANAGEMENT, LLC
f/k/a PFG ASSET MANAGEMENT, LLC,
(Florida Limited liability company); and
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f/k/a PFG ASSET ANAGEMENT,
LLC,(Georgia limited liability company)

Defendants.

CIVIL ACTION FILE NO.:
1:12-cv-2296-TCB

SUBPOENA FOR DEPOSITION

To: Keith McSwain
c/o Art Leach, Esq.
5780 Windward Parkway, Suite 225
Alpharetta, GA 30005

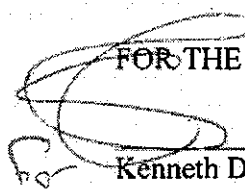
YOU ARE HEREBY COMMANDED to appear on November 13, 2012 @ 1:00
p.m. at:

Law office of Arthur W. Leach
5780 Windward Parkway
Suite 225
Alpharetta, GA 30005

upon oral examination before a person authorized by law to take depositions in the State
of Georgia. The oral examination will continue from day to day until completed.

The deposition is being taken for the purpose of discovery, for use at trial, or for
such other purposes as are permitted under the Rules of Court, or Federal Rules of Civil
Procedure.

Dated: October 10th, 2012



FOR THE COURT

Kenneth Dante Murena, P.A.
Florida Bar No. 0147486
DAMIAN & VALORI LLP
Counsel for the Receiver
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Telephone: 305-371-3960
Facsimile: 305-371-3965
Admitted pro hac vice

HOLLAND & KNIGHT LLP
John M. Hamrick
Georgia Bar No. 322079
Suite 2000, One Atlantic Center
1201 West Peachtree Street, N.E.
Atlanta, Georgia 30309-3453
(404) 817-8500
(404) 881-0470 (fax)
john.hamrick@hklaw.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed and/or mailed this 10th day of October, 2012, to all parties listed on the attached Service List.


Kenneth Dante Murena, P.A.
Florida Bar No. 0147486
Admitted pro hac vice

SERVICE LIST

Elizabeth Skola, Esq.
Email: skolae@sec.gov
Securities and Exchange Commission
950 East Paces Ferry Road, N.E., Ste.
900
Atlanta, GA 30326
Via E-mail

Robert J. Waddell, Jr., Esq.
Counsel for FDIC
Email: rwaddell@mcguirewoods.com
Laura E. Reinhold, Esq.
Email: lreinhold@mcguirewoods.com
McGuire Woods, LLP
Suite 2100, Promenade II
1230 Peachtree Street, NE
Atlanta, GA 30309
Via E-mail

Aubrey Lee Price
4616 Rainwood Circle
Valdosta, GA 31602
Via U.S. Mail

PFG, LLC; PFGBI, LLC;
Montgomery Asset Management, LLC
(Florida limited liability corporation);
and Montgomery Asset Management,
LLC
(Georgia limited liability corporation)
c/o Kathryn Giardina
Robert E.L. Garner, Esq.
Haskell Slaughter Young & Rediker,
LLC
2001 Park Place, Suite 1400
Birmingham, Alabama 35203
Via E-Mail

PFG, LLC
Corporate Secretary
255 Racetrack Road, Suite 2
McDonough, GA 30252
Via U.S. Mail

PFGBI, LLC
Corporate Secretary
255 Racetrack Road, Suite 2
McDonough, GA 30252
Via U.S. Mail

Michael J. Athans, Esq.
191 Peachtree Street NE, Suite 4600
Atlanta, GA 30303
Via E-mail

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

AUBREY LEE PRICE; PFG, LLC; PFGBI, LLC,
MONTGOMERY ASSET MANAGEMENT, LLC
f/k/a PFG ASSET MANAGEMENT, LLC,
(Florida Limited liability company); and
MONTGOMERY ASSET MANGEMENT, LLC
f/k/a PFG ASSET ANAGEMENT,
LLC,(Georgia limited liability company)

Defendants.

CIVIL ACTION FILE NO.:

1:12-cv-2296-TCB

SUBPOENA FOR DEPOSITION

To: Steve Roberts
c/o Art Leach, Esq.
5780 Windward Parkway, Suite 225
Alpharetta, GA 30005

YOU ARE HEREBY COMMANDED to appear on November 13, 2012 @ 11:00
a.m. at:

Law office of Arthur W. Leach
5780 Windward Parkway
Suite 225
Alpharetta, GA 30005

upon oral examination before a person authorized by law to take depositions in the State
of Georgia. The oral examination will continue from day to day until completed.

The deposition is being taken for the purpose of discovery, for use at trial, or for
such other purposes as are permitted under the Rules of Court, or Federal Rules of Civil
Procedure.

Dated: October 10th, 2012

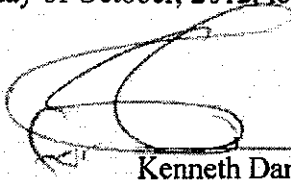

FOR THE COURT

Kenneth Dante Murena, P.A.
Florida Bar No. 0147486
DAMIAN & VALORI LLP
Counsel for the Receiver
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Telephone: 305-371-3960
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Admitted pro hac vice

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Atlanta, Georgia 30309-3453
(404) 817-8500
(404) 881-0470 (fax)
john.hamrick@hklaw.com

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Kenneth Dante Murena, P.A.
Florida Bar No. 0147486
Admitted pro hac vice

SERVICE LIST

Elizabeth Skola, Esq.
Email: skolae@sec.gov
Securities and Exchange Commission
950 East Paces Ferry Road, N.E., Ste.
900
Atlanta, GA 30326
Via E-mail

Robert J. Waddell, Jr., Esq.
Counsel for FDIC
Email: rwaddell@mcguirewoods.com
Laura E. Reinhold, Esq.
Email: lreinhold@mcguirewoods.com
McGuire Woods, LLP
Suite 2100, Promenade II
1230 Peachtree Street, NE
Atlanta, GA 30309
Via E-mail

Aubrey Lee Price
4616 Rainwood Circle
Valdosta, GA 31602
Via U.S. Mail

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Montgomery Asset Management, LLC
(Florida limited liability corporation);
and Montgomery Asset Management,
LLC
(Georgia limited liability corporation)
c/o Kathryn Giardina
Robert E.L. Garner, Esq.
Haskell Slaughter Young & Rediker,
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Via U.S. Mail

Michael J. Athans, Esq.
191 Peachtree Street NE, Suite 4600
Atlanta, GA 30303
Via E-mail

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

AUBREY LEE PRICE; PFG, LLC; PFGBI, LLC;
MONTGOMERY ASSET MANAGEMENT, LLC
f/k/a PFG ASSET MANAGEMENT, LLC,
(Florida Limited liability company); and
MONTGOMERY ASSET MANGEMENT, LLC
f/k/a PFG ASSET ANAGEMENT,
LLC,(Georgia limited liability company)

Defendants.

CIVIL ACTION FILE NO.:

1:12-cv-2296-TCB

SUBPOENA FOR DEPOSITION PURSUANT TO FEDERAL RULE 30 (b)(6)

To: Records custodian of KM Homes or person with knowledge of the
items listed on Exhibit A
c/o Art Leach, Esq.
5780 Windward Parkway, Suite 225
Alpharetta, GA 30005


YOU ARE HEREBY COMMANDED to appear on November 13, 2012 @ 10:00
a.m. at:

Law office of Arthur W. Leach
5780 Windward Parkway
Suite 225
Alpharetta, GA 30005

upon oral examination before a person authorized by law to take depositions in the State
of Georgia. The oral examination will continue from day to day until completed.

The deposition is being taken for the purpose of discovery, for use at trial, or for
such other purposes as are permitted under the Rules of Court, or Federal Rules of Civil
Procedure.

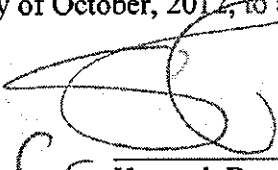


FOR THE COURT

 Kenneth Dante Murena, P.A.
Florida Bar No. 0147486
DAMIAN & VALORI LLP
Counsel for the Receiver
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Telephone: 305-371-3960
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Admitted pro hac vice

HOLLAND & KNIGHT LLP
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john.hamrick@hkllaw.com

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 Kenneth Dante Murena, P.A.
Florida Bar No. 0147486
Admitted pro hac vice

SERVICE LIST

Elizabeth Skola, Esq.
Email: skolae@sec.gov
Securities and Exchange Commission
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900
Atlanta, GA 30326
Via E-mail

Robert J. Waddell, Jr., Esq.
Counsel for FDIC
Email: rwaddell@mcguirewoods.com
Laura E. Reinhold, Esq.
Email: lreinhold@mcguirewoods.com
McGuire Woods, LLP
Suite 2100, Promenade II
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(Florida limited liability corporation);
and Montgomery Asset Management,
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(Georgia limited liability corporation)
c/o Kathryn Giardina
Robert E.L. Garner, Esq.
Haskell Slaughter Young & Rediker,
LLC
2001 Park Place, Suite 1400
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Via E-Mail

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Via U.S. Mail

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Via U.S. Mail

Michael J. Athans, Esq.
191 Peachtree Street NE, Suite 4600
Atlanta, GA 30303
Via E-mail

EXHIBIT "A"

1. All documents requested in Exhibit A to the Subpoena Duces Tecum to Produce Documents in Lieu of Appearance served on KM Homes on August 24, 2012.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

AUBREY LEE PRICE;
PFG, LLC; PFGBI, LLC;
MONTGOMERY ASSET
MANAGEMENT, LLC f/k/a PFG
ASSET MANAGEMENT, LLC, (Florida
Limited liability company); and
MONTGOMERY ASSET MANGEMENT,
LLC f/k/a PFG ASSET MANAGEMENT,
LLC,(Georgia limited liability company)

Defendants.

Miscellaneous Case No.
8:12-MC-00091-MSS-35-EAJ

**SUBPOENA DUCES TECUM TO
PRODUCE DOCUMENTS WITHOUT DEPOSITION**

To: Liberty Mutual Insurance Company
c/o Florida Chief Financial Officer as RA
200 East Gaines Street
Tallahassee, FL 32399-4201

YOU ARE HEREBY COMMANDED to appear at the offices of Damian & Valori LLP, 1000 Brickell Avenue, Suite 1020, Miami, FL 33131 on **October 19, 2012 at 12:00 p.m.** the following: *ALL DOCUMENTS LISTED IN EXHIBIT "A" ATTACHED HERETO.*

These items will be inspected and may be copied at that time. You will not be required to surrender the original times. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may condition the preparation of the copies upon the payment in advance of the reasonable cost of preparation. **You may mail or deliver the copies to the attorney whose name appears**

on this subpoena on or before the scheduled date of production and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this notice at any time before production by giving written notice to the attorney whose name appears on this notice. **THIS WILL NOT BE A DEPOSITION, NO TESTIMONY WILL BE TAKEN.**

If you fail to:

- (1) appear as specified; or
- (2) furnish the documents as specified; or
- (3) object to this subpoena,

you may be in contempt of court. You are subpoenaed to furnish the records by the following attorney, and unless excused from this subpoena by this attorney or the court, you shall respond to this subpoena as directed.

Dated: October 10th, 2012

FOR THE COURT

Kenneth Dante Murena, P.A.
Florida Bar No. 0147486
DAMIAN & VALORI LLP
Counsel for the Receiver
1000 Brickell Avenue, Suite 1020
Miami, Florida 33131
Telephone: 305-371-3960
Facsimile: 305-371-3965

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been emailed and/or mailed this 10th day of October, 2012, to all parties listed on the attached Service List.

Kenneth Dante Murena, P.A.
Florida Bar No. 0147486

SERVICE LIST

W. Shawn Murnahan, Esq.
Email: murnahanw@sec.gov
Securities and Exchange Commission
950 East Paces Ferry Road, N.E., Ste.
900
Atlanta, GA 30326
Via Email

Robert J. Waddell, Jr., Esq.
Email: rwaddell@mcguirewoods.com
Laura E. Reinhold, Esq.
Email: lreinhold@mcguirewoods.com
McGuire Woods, LLP
Counsel for FDIC
Suite 2100, Promenade II
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Via E-mail

Aubrey Lee Price
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Via U.S. Mail

PFGBI, LLC
Corporate Secretary
255 Racetrack Road, Suite 2
McDonough, GA 30252
Via U.S. Mail

EXHIBIT "A"

DEFINITIONS AND INSTRUCTIONS

1. "Document" has the full extent of its meaning as provided in the Federal Rules of Civil Procedure, and means any writing or other tangible thing containing written or graphic matter, whether printed, recorded, reproduced by any process, or written or produced by hand, including but not limited to the original and any non-identical copy, including the following: letters, reports, agreements (including drafts, proposals and any and all exhibits thereto), communications, including inter-company communications, e-mail, correspondence, telegrams, teletype messages, memoranda, summaries, recordings, records of personal conversations, diaries, forecasts, photographs, tape records, models, statistical statements, graphics, laboratory and engineering reports and notebooks, charts, plans, drawings, minutes, records of conferences, agendas, expressions or statements of policy, lists of persons attending meetings or conferences, reports, summaries of interviews, reports and/or summaries of investigations, inspections, opinions or reports of consultants, brochures, pamphlets, advertisements, circular, trade letters, press releases, drafts of any documents and revisions of drafts of any documents, tabulations, charts, books of account, ledgers, invoices, financial statements, purchase orders, receipts, canceled checks and things similar to the foregoing, however denominated by Plaintiffs or their agents. The term "document" shall include data stored, maintained or organized electronically, magnetically or through the use of computer equipment, translated, if necessary, by you into reasonably usable form. "Relating to" means referring to, evidencing, discussing, defining, mentioning, pertaining to, consisting

of, reflecting, concerning, recording, evaluating, or in any way logically or factually connected with the matter discussed or to which reference is made.

2. "Person" shall mean any individual, corporation, proprietorship, trust, association or any other entity, including any kind of governmental, legal or business entity.

3. "Communication" means any oral, electronic, or written utterance, notation or statement of any nature whatsoever, by or whomsoever made, including but not limited to correspondence, conversations, dialogues, discussions, interviews, consultations, agreements, and other understandings between or among two or more persons.

4. "And" and "or" shall be construed to include both the conjunctive as well as the disjunctive, so as to make these requests inclusive rather than exclusive.

5. "Pertaining to" means relating to, referring to, or regarding the subject matter of the request.

INSTRUCTIONS

6. This Request requires you to produce all responsive documents in your possession, custody, or control, or in the possession, custody or control of any of your agents, representatives, servants, employees, accountants or attorneys, wherever those documents might be located.

7. Each request should be read so as not to include documents or things subject to an evidentiary privilege or immunity from discovery if necessary to permit the production of documents or things otherwise responsive to the request. To the extent that a request calls for the production of documents or things subject to a privilege or

immunity from discovery, the written response to that request should so indicate, but you should produce the balance of the documents or things not subject to a claim of privilege which fall within the scope of the request. Additionally, to the extent information subject to an evidentiary privilege or immunity from discovery is contained within responsive documents or things that also contain discoverable information you should produce a redacted version of the document or thing containing the discoverable information with a notation on the produced document or thing indicating that it is being produced in redacted form.

8. As to each document requested which you object to producing on the basis of any evidentiary privilege or immunity from discovery, please provide the following information pursuant to Fed. R. Civ. P. 26(b)(5):

- a. The basis for the privilege being invoked;
- b. The date of the document;
- c. The title of the document (if any);
- d. The name of the person(s) authoring the document;
- e. The name of the person(s) to whom the document and/or any copies thereof were given or transmitted;
- f. The present location and custodian of the document, or any copies thereof; and
- g. The general subject matter dealt with in the document with reasonable specificity.

9. Your responses to these requests are to be supplemented to the full extent required by the Federal Rules of Civil Procedure, and each request shall be construed to include any documents responsive to the request that are later discovered by you.

10. The present tense shall be construed to include the past tense, and the past tense shall be construed to include the present tense as necessary to bring within the scope of these requests any documents that might otherwise be construed as outside their scope.

11. The singular shall be construed to include the plural, and the plural shall be construed to include the singular as necessary to bring within the scope of these requests any documents that might otherwise be construed to be outside their scope.

12. All documents produced in response to this request shall be produced in accordance with Rule 34(b), Fed.R. Civ.P., as they are kept in the usual course of business or shall be organized and labeled to correspond with these requests.

DOCUMENTS REQUESTED

1. All Documents and Communications pertaining to any or all of the following entities and/or person from the previous two (2) years:

1. Aubrey Lee Price (Date of Birth: July 31, 1966, SS No.: 255-35-4482);
2. PFG, LLC;
3. PFGBI, LLC;
4. Montgomery Asset Management, LLC f/k/a/ PFG Asset Management, LLC (Florida Limited Liability Company);
5. Montgomery Asset Management, LLC f/k/a/ PFG Asset Management, LLC (Georgia Limited Liability Company);
6. PFGIA, LLC; and
7. Montgomery Bank & Trust d/b/a MBT Insurance Services.

2. All insurance policies (and associated declaration pages and explanations of benefits) held in the name of, or owned by, insuring and/or naming as beneficiary, any of the entities or person listed in Request No. 1 above.

3. All documents and communications pertaining to any and all insurance policies held in the name of, or owned by, insuring and/or naming as beneficiary, any of the entities or person listed in Request No. 1 above, including, without limitation, all applications and records pertaining to the opening, initiation, binding, underwriting, premiums, or claims filed under, such policies, accounts or services.

4. All **Communications** between or among you and any of the entities or person listed in Request No. 1 above over the last two (2) years.

5. All Documents and Communications pertaining to any **transfer, wire, payment, disbursement or other disposition of funds, assets, any other personal property, or any real property interests to or from** your institution pertaining to any of the entities or person listed in Request No. 1 for the last two (2) years.

6. Any Documents responsive to any of the foregoing requests which are kept in electronic form.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served via U.S. Mail, and e-mail (where indicated) via the Court's ECF system upon:

W. Shawn Murnahan, Esq.
Securities and Exchange Commission
950 East Paces Ferry Road, N.E., Suite 900
Atlanta, GA 30326
murnahanw@sec.gov

Aubrey Lee Price
4616 Rainwood Circle
Valdosta, GA 31602

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PFGBI, LLC
Montgomery Asset Management, LLC (Florida limited liability company)
Montgomery Asset Management, LLC (Georgia limited liability company)
c/o Kathryn Giardina
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404-443-5500
Fax: 404-443-5599
Email: rwaddell@mcguirewoods.com

/s/ Paul E. Vranicar
Paul E. Vranicar, Esq.
Georgia Bar No. 288926

#11474082_v1